

EXHIBIT 1

U.S. Department of Justice
Immigration and Naturalization Service

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act

File No: A38 994 221

CDC: T16463

Ref Date: 3/18/2002

In the Matter of:

U.S. IMMIGRATION & NATURALIZATION SERVICE
INSTITUTIONAL HEARING PROGRAM
7018 CLARK RD.
SAN JUAN, CA. 92233
(Area code and phone number)Respondent: BERMUDEZ, Jesus Valdez AKA: BERMUDEZ, Jesus
currently residing at C/O California Department of Corrections
(Number, street, city, state and ZIP code)

- ☐ 1. You are an arriving alien.
- ☐ 2. You are an alien present in the United States who has not been admitted or paroled.
- ☒ 3. You have been admitted to the United States, but are deportable for the reasons stated below.

The Service alleges that you:

- ☐ 4. You are not a citizen or national of the United States.
- ☒ 5. You are a native of The Philippines and a citizen of The Philippines.
- ☒ 6. You were admitted to the United States at San Francisco, California on or about 9/18/1984 as an immigrant;
- ☒ 7. You were, on 3/28/2001, convicted in the Superior Court of California, County of Santa Clara for the offense of Second Degree Burglary, in violation of Section 459/460(B) of the California Penal Code;
- ☒ 8. For that offense, you were sentenced to confinement for a period of 2 years.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

210 237(a)(2)(A)(iii) of the Immigration and Nationality Act, as amended, in that, at any time after admission, you have been convicted of an aggravated felony as defined in Section 101(a)(43)(G) of the Act, a burglary offense for which the term of imprisonment is at least one year.

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8 CFR 208.30(f)(2) ☐ 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

To be seton 03/14/02 at 8:00 (Complete Address of Immigration court, including room Number, if any)
forth above. to show why you should not be removed from the United States based on the charge(s) set
(Date) (Time)

N. Antunez
N. Antunez
Assistant Officer in Charge
(Signature and Title of Issuing Officer)
El Centro, California
(City and State)

Date:

FEB 22 2002

See reverse for important information

Form I-862 (Rev. 4-1-97)

U.S. Department of Justice
Immigration and Naturalization Service

Additional Charges of Inadmissibility/Deportability

In ☒ Removal proceedings under section 240 of the Immigration and Nationality Act

☐ Deportation proceedings commenced prior to April 1, 1997 under section 242 of the Immigration and Nationality Act

In the Matter of:

Alien/Respondent: BERMUDEZ, Jesus Valdez

File No: A38 994 221 Address: C/O Calipatria State Prison, 7018 Blair Road, Calipatria, California 92233

There is/are hereby lodged against you the additional charge(s) that you are subject to being taken into custody and deported or removed from the United States pursuant to the following provision(s) of law:

237(a)(2)(A)(ii) of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of two crimes involving moral turpitude not arising out of a single scheme of criminal misconduct.

In support of the additional charge(s) there is submitted the following factual allegation(s) ☒ in addition to ☐ in lieu of those set forth in the original charging document:

- ☒ 1. You were, on 12/12/1985, convicted in the Superior Court of California, County of Santa Clara for the offense of Credit Card Forgery, in violation of Section 484f(2) of the California Penal Code;
- ☒ 2. For that offense, you were sentenced to confinement for a period of 150 days.
- ☒ 3. You were, on 12/9/1994, convicted in the Superior Court of California, County of Santa Clara for the offense of Grand Theft, in violation of Section 484/487(a) of the California Penal Code;
- ☒ 4. For that offense, you were sentenced to confinement for a period of 6 months.

Date: 3/5/02

[Signature]
(Signature of Service counsel)

Form I-862 (Rev. 4-1-97)

EXHIBIT 2

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
San Francisco, California

File No.: A 38 994 221

May 1, 2006

In the Matter of)
JESUS VALDEZ BERMUDEZ) IN REMOVAL PROCEEDINGS
Respondent)

CHARGE: Section 237(a)(2)(A)(iii) - conviction for an
aggravated felony.

APPLICATIONS: Cancellation of removal under INA 240A(a).

ON BEHALF OF RESPONDENT:

Keith Jordan, Esquire

ON BEHALF OF DHS:

Marcie Elsworth,
Assistant Chief Counsel

ORAL DECISION OF THE IMMIGRATION JUDGE

The respondent in this case is a native and citizen of the Philippines who was admitted to the United States in 1984 as an immigrant. The respondent has a number of criminal convictions.

In 1985 he was convicted for credit card forgery. In 1994 he was convicted for grand theft. In 2001, he was convicted for second-degree burglary and sentenced to prison for two years. Also in 2001, he was convicted of attempted forgery. In 2002, he was convicted for forgery of a check, six counts of possession of a completed check, money order, traveler's check, and one count buying, receiving or concealing stolen property. He received three years consecutive sentences on each of those

counts. The respondent has applied for the relief of cancellation of removal.

Under INA Section 240A(a), that section states clearly that the Attorney General may cancel removal in the case of an alien if the alien in subpart 3 has not been convicted of any aggravated felony. INA Section 101(a)(43)(R) states that an offense related to commercial bribery, to counterfeiting, forgery or trafficking in vehicles with altered identification numbers, any of those crimes are aggravated felonies if the term of imprisonment is at least one year. Here the respondent was convicted of a forgery offense, he received a sentence in excess of one year. He has therefore been convicted of an aggravated felony and without reaching any of the other charges lodged against the respondent, including allegations of convictions for crimes involving moral turpitude, the Court finds that the forgery conviction standing alone is enough to find the respondent has been convicted of an aggravated felony. Accordingly, the application for cancellation of removal is pretermitted and denied.

The Court questioned the respondent on a previous occasion.

He indicated he had no fear of returning to the Philippines, but he did want to stay in the United States because he has family here in the United States. There are no other applications pending before the Court and accordingly the following orders will be entered.

ORDERS

An application for cancellation of removal is denied.
Respondent is ordered removed to the Philippines.

ANTHONY S. MURRY
Immigration Judge

IMMIGRATION COURT
550 KEARNY ST., SUITE 800
SAN FRANCISCO, CA 94108

In the Matter of

Jesus Bermudez
Respondent

Case

A 38 994 227

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 5/1/06.
This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- ☒ The respondent was ordered removed from the United States to Philippines
- ☐ Respondent's application for voluntary departure was denied and respondent was ordered removed to _____ or in the alternative to _____
- ☐ Respondent's application for voluntary departure was granted until _____ upon posting a bond in the amount of \$_____ by _____ for each Respondent.
- ☐ with an alternative order of removal to _____.
- ☐ Respondent's application for asylum was () granted () denied () withdrawn () other.
- ☐ Respondent's application for withholding of removal was () granted () denied () withdrawn () other.
- ☒ Respondent's application for cancellation of removal under section 240A(a) was () granted ☒ denied () withdrawn () other.
- ☐ Respondent's application for cancellation of removal under section 240A(b) was () granted () denied () withdrawn () other. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- ☐ Respondent's application for a waiver under section _____ of the INA was () granted () denied () withdrawn () other.
- ☐ Respondent's application for adjustment of status under section _____ of the INA was () granted () denied () withdrawn () other. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- ☐ Respondent's status was rescinded under section 246 of the INA.
- ☐ Respondent is admitted to the United States as a _____ until _____.
- ☐ As a condition of admission, respondent is to post a \$_____ bond.
- ☐ Respondent knowingly filed a frivolous asylum application after proper notice.
- ☐ Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- ☐ Proceedings were terminated.
- ☐ Relief under Convention Against Torture () granted () denied () withdrawn
- ☐ Other: _____

Waived / Appeal (A) / I / B / 3/31/06
Appeal due by: 5/31/06

AS Murry
Immigration Judge

Date:

5/1/06

CERTIFICATE OF SERVICE
THIS DOCUMENT WAS SERVED BY: MAIL () PERSONAL SERVICE ()
TO: () ALIEN () ALIEN o/o Custodial Officer () ALIEN'S AGENCY/REP () INS *MLE*
DATE: 5/1/06 BY: COURT STAFF
Attachments: () EOIR-33 () EOIR-28 () Legal Services List ()

EXHIBIT 3



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

*5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041*

**Jordan, Keith
1010 West Taylor St.,
San Jose, CA 95126**

**Office of the District Counsel/SFR
P.O. Box 26449
San Francisco, CA 94126-6449**

Name: BERMUDEZ, JESUS VALDEZ

A38-994-221

Date of this notice: 02/09/2007

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
FILPPU, LAURI S.

U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A38 994 221 - San Francisco

Date: FEB 09 2007

In re: JESUS VALDEZ BERMUDEZ

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Keith G. Jordan, Esquire

ON BEHALF OF DHS: Marci L. Ellsworth
Assistant Chief Counsel

CHARGE:

- Notice: Sec. 237(a)(2)(A)(iii), I&N Act [8 U.S.C. § 1227(a)(2)(A)(iii)] -
Convicted of aggravated felony as defined in section 101(a)(43)(G)
(withdrawn)
- Lodged: Sec. 237(a)(2)(A)(ii), I&N Act [8 U.S.C. § 1227(a)(2)(A)(ii)] -
Convicted of two or more crimes involving moral turpitude
- Sec. 237(a)(2)(A)(iii), I&N Act [8 U.S.C. § 1227(a)(2)(A)(iii)] -
Convicted of aggravated felony as defined in sections 101(a)(43)(G), (R)

APPLICATION: Cancellation of removal under section 240A(a)

ORDER:

PER CURIAM. The respondent appeals from a May 1, 2006, Immigration Judge decision pretermittting his cancellation of removal application under section 240A(a) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1229b(a). The Immigration Judge found that the respondent's 2003 conviction for forgery under CAL. PENAL CODE §§ 470(d) and 475(c) constituted an aggravated felony, specifically, an offense relating to forgery for which the term of imprisonment was at least one year, under section 101(a)(43)(R) of the Act, 8 U.S.C. § 1101(a)(43)(R). Because the Immigration Judge determined that the respondent's conviction fit neatly within the definition of an aggravated felony under section 101(a)(43)(R) of the Act, he did not address the other charges of removability against the respondent.

We find the respondent's brief on appeal to be nonresponsive to the Immigration Judge's decision. Specifically, the respondent uses his brief to discuss why he has not been convicted of an aggravated felony

fm

A38 994 221

under section 101(a)(43)(G) of the Act, yet the Immigration Judge did not render a decision as to that charge of removability. According to the respondent, his application should not have been pretermitted because the reasoning of *Penuliar v. Gonzales*, 435 F.3d 961 (9th Cir. 2006), does not allow his convictions to be considered aggravated felonies under section 101(a)(43)(G) of the Act. We point out that, even if the charge of removability regarding an aggravated felony under section 101(a)(43)(G) of the Act had been ruled upon by the Immigration Judge, the respondent's argument would not succeed because the United State Supreme Court recently overruled *Penuliar in Gonzales v. Duenas-Alvarez*, 549 U.S. ___, 127 S. Ct. 815 (2007).

As to the charge of removability that actually was sustained by the Immigration Judge – the aggravated felony charge under section 101(a)(43)(R) – we see no reason to change the Immigration Judge's decision because the respondent was convicted of an offense relating to forgery for which he received a sentence of 3 years imprisonment. (See Tab 3). This is the type of conviction contemplated by section 101(a)(43)(R) of the Act and renders the respondent removable and ineligible for cancellation of removal under section 240A(a) of the Act.

Accordingly, the respondent's appeal is dismissed.


FOR THE BOARD

EXHIBIT 4

Search for Case

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General Docket

US Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 07-70733

Filed: 2/23/07

Nsuit: 0

Bermudez, et al v. Gonzales

Appeal from: Immigration and Naturalization Service

Case type information:

- 1) agency
- 2) review
- 3)

Lower court information:

District: 0971-3 : A38-994-221

Date Filed: 2/23/07

Date order/judgment: **/**/**

Date NOA filed: **/**/**

Fee status: paid-----
Prior cases:

None

Current cases:

	Lead	Member	Start	End
companion:				
	07-70733	07-71145	3/26/07	

Docket as of September 20, 2007 11:18 pm

Page 1

07-70733 Bermudez, et al v. GonzalesJESUS VALDEZ BERMUDEZ
PetitionerJesus Valdez Bermudez
A38-994-221
[COR LD NTC prs]
KERN COUNTY JAIL
17695 Industrial Farm Rd.
Bakersfield, CA 93308-0563

v.

ALBERTO R. GONZALES, Attorney
General
RespondentRonald E. LeFevre, Chief
Counsel
[COR NTC gov]
OFFICE OF THE DISTRICT COUNSEL
Department of Homeland Security
P.O. Box 26449

San Francisco, CA 94126-6449

James A. Hunolt, Esq.
FAX 202/233-0397
202/616-4876
[COR LD NTC gov]
DOJ - U.S. DEPARTMENT OF
JUSTICE
Civil Div./Office of
Immigration Lit.
P.O. Box 878, Benjamin Franklin
Station
Washington, DC 20044

Kathryn Moore, Esq.
202/305-7099
[COR LD NTC gov]
U.S. DEPARTMENT OF JUSTICE
Civil Division
P.O. Box 878, Ben Franklin
Station
Washington, D.C., 20044

Docket as of September 20, 2007 11:18 pm

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07-70733 Bermudez, et al v. Gonzales

JESUS VALDEZ BERMUDEZ

Petitioner

v.

ALBERTO R. GONZALES, Attorney General

Respondent

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07-70733 Bermudez, et al v. Gonzales

2/23/07 FILED (PRO SE) INS Petition for review and Motion for Stay.
Docketed Cause and Entered Appearance of Counsel. Pursuant
to G.O. 6.4(c)(1)(3) A TEMPORARY STAY OF REMOVAL IS IN
EFFECT pending further order. The schedule is set as
follows: Pursuant to G.O. 6.4(c)(1)(3), the schedule is set
as follows: Cert. Admin. Record due 4/20/07 Response to
motion for stay due 5/18/07 for Alberto R. Gonzales (MOATT)
[07-70733] (lee) [07-70733]

2/23/07 Filed (PRO SE) Petitioner Jesus Valdez Bermudez's motion to
stay deportation (see schedule above) [07-70733] served on
2/23/07 [6099938] (MOATT) [07-70733] (lee) [07-70733]

2/23/07 Detained: Yes [07-70733] (lee) [07-70733]

3/22/07 Filed order MOATT (RMB) A review of this court's docket reflects that the filing fee for this petition for review remains due. Within 21 days of the date of this order, petitioner shall pay to this court the filing fee or a motion for ifp. Failure to pay the fee shall result in the dismissal of this petition. The Clerk shall serve this order and form 4 on petitioner at the following 2 addresses... [07-70733] (wp) [07-70733]

3/22/07 Filed order (Deputy Clerk: jw) A review of the docket reflects that petitioner has not paid the docketing and filing fees for this petition. Within 21 days of the entry of this order, petitioner shall: (1) file a motion with this court to proceed ifp; (2) pay \$450 to this court as the docketing and filing fees for this petition; or (3) otherwise show cause why the petition should not be dismissed for failure to prosecute. The admin record and response to the motion for stay remains due 4/20/07 and 5/18/07. If petitioner fails to comply with this order, the petition will be dismissed automatically by the Clerk under 9th Cir.R. 42-1. [07-70733] (ft) [07-70733]

3/26/07 Filed Petitioner Jesus Valdez Bermudez in 07-70733's motion for implication of bail or hearing of bail; [07-70733] served on na [6170512] (MOATT, motion transferred from 07-71145) [07-70733] (ft) [07-70733]

3/27/07 Copy of letter received from Alberto R. Gonzales to Jesus Valdez Bermudez dated on 3/26/07 re: Mail forwarded to petitioner after unsuccessful attempt at SCCJ-Santa Clara County jail 885 N. San Pedro St., San Jose, CA 95110. Please contact the 9th Circuit with your correct address. [07-70733] (ba) [07-70733]

3/29/07 Received notification from Petitioner of payment of docket fee \$450.00 (date paid: 3/29/07) [07-70733] (ba) [07-70733]

Docket as of September 20, 2007 11:18 pm

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07-70733 Bermudez, et al v. Gonzales

3/29/07 Filed notice of appearance of Kathryn Moore and James Hunolt for the resp. (Withdrew as counsel: attorney OIL for Alberto R. Gonzales in 07-70733 [07-70733] (ca) [07-70733])

4/12/07 Received letter from pro se dated 4/6/07 re: request to combine both petitions, same issues, or close 07-70733 and apply payment due in to this docket. (MOATT) (ca) [07-70733 07-71145]

4/13/07 Filed Petitioner Jesus Valdez Bermudez's response to court

order re: mailing of petition through institutions legal mail system. [07-71145, 07-70733] (ca) [07-70733 07-71145]

4/16/07 Electronic Certified Administrative Record Filed. CD-ROMS: 1 [07-70733, 07-71145] (stev) [07-70733 07-71145]

5/3/07 Received Respondent Alberto R. Gonzales's letter dated 5/2/07 re: The current address for petitioner Jesus Valdez Bermudez, Inmate No. 1743915, c/o Kern County Jail. Lerdo Facility, 17695 Industrial Farm Road, Bakersfield, CA 93308. [07-70733] (ba) [07-70733]

5/14/07 Received Petitioner Jesus Valdez Bermudez's motion to consolidate cases; dated 4/18/07. (no action nec per 5/10/07 order) [07-71145, 07-70733] [07-71145, 07-70733] (ca) [07-70733 07-71145]

5/18/07 Filed Respondent's motion to dismiss for lack of jurisdiction and opposition to petitioner's request for a stay. Served on 5/17/07. (MOATT) [07-70733] (rayc) [07-70733]

5/31/07 Filed Petitioner Jesus Valdez Bermudez' implication of bail or hearing of bail; no service date. (MOATT) (Served respondent by clerk) [07-70733] [07-70733] (lee) [07-70733]

5/31/07 Received Petitioner Jesus Valdez Bermudez in 07-70733's addendum to petition for review ,served na. (MOATT) [07-70733] (ft) [07-70733]

6/6/07 Filed Petitioner Jesus Valdez Bermudez in 07-70733's motion to reconsider order of the Court [07-70733] served on 5/29/07 [6197687] (MOATT) [07-70733] (ft) [07-70733]

6/12/07 Filed order (Edward LEAVY, Thomas G. NELSON): Petitioner's motion for release on his own recognizance pending disposition of this petition for review is denied. The court does not have the authority to grant such relief. (CITE TEXT). The court will address the pending motions by separate order. Appellate proceedings remain suspended pending further order of the court. [07-70733] (rayc) [07-70733]

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07-70733 Bermudez, et al v. Gonzales

6/12/07 Copy of letter received from Alberto R. Gonzales. Dated 4/18/07, regarding the Certified Administrative Record of Proceedings filed in the 9th Cir. [07-70733] (mj) [07-70733]

6/13/07 Received Petitioner Jesus Valdez Bermudez addendum in support of motion to reconsider. Served on 6/5/07. (MOATT) [07-70733] (rayc) [07-70733]

6/26/07 Rec'd notice of change of address from Petitioner Jesus Valdez Bermudez, dated 6/22/07. New address is: 885 N. San Pedro St., San Jose, CA. 95110. BK# 07042543/E 345. [07-70733] (mj) [07-70733]

6/28/07 Received letter from pro se re: disposition of 5/31/07 motion & change of address. Served 6/25/07. (Address already updated). (rayc) [07-70733]

7/10/07 Rec'd notice of change of address from Jesus Valdez Bermudez for Petitioner Jesus Valdez Bermudez dated 7/2/07; to #17695 Industrial Farm Rd., Bakersfield, CA 93308. [07-70733] (hc) [07-70733]

7/11/07 Filed Petitioner Jesus Valdez Bermudez in 07-70733's motion to not to move petitioner without good cause; FRAP 23(a); [07-70733] served on 6/30/07 [6229781] (MOATT) [07-70733] (ft) [07-70733]

7/12/07 Sent document order 6/12/07 per 6/28/07 pro se ltr request. [07-70733] (rayc) [07-70733]

7/19/07 Received letter from pro se re: Asking for copies of orders since being sent to current address. (NAN-sent per 7/12/07 entry) (ft) [07-70733]

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07-70733 Bermudez, et al v. Gonzales

7/26/07 Filed order (Mary M. SCHROEDER, Kim M. WARDLAW): Petitioner has filed a "Motion to Reconsider", filed 6/6/07, and an "Addendum" to the Motion to reconsider, filed 6/13/07. Based upon the contents of the motion and addendum, and because the petitioner does not identify any order he would like the court to reconsider, the court construes the motion and the addendum as opposition to the government's motion to dismiss and opposition to petitioner's motion for a stay of removal, filed 5/18/07. Respondent's motion to dismiss this petition for lack of jurisdiction is DENIED. (CITE TEXT). Petitioner's motion for a stay of removal pending review is GRANTED. Petitioner's "Motion for Order; Respondent Should Not Move The Petitioner With Out [sic] Good Reason Under Federal Rule Appellate Procedure 23.A" is DENIED. Federal Rule of Appellate Procedure 23(a) governs the transfer of prisoners pending review of a decision in a habeas corpus proceeding, and is accordingly not applicable. The certified administrative record has been filed. The opening brief is due 10/22/07; the answering brief is due 12/21/07; and the optional reply brief is due within 14 days after service of the answering brief. [07-70733] (rayc) [07-70733]

8/13/07 Filed Petitioner Jesus Valdez Bermudez motion for Bail Implication while stay of Removal pending review; served on

8/5/07. (MOATT) [07-70733] [07-70733] (lee) [07-70733]

8/14/07 Sent informal brf form and public dkt rpt to petitioner at request of jail librarian. [07-70733] (gail) [07-70733]

8/15/07 Filed Petitioner Jesus Valdez Bermudez's expedited request for custody re-determination hearing and request for release on bond. (No service date). (MOATT) (OIL served by clerk) (hc) [07-70733]

8/23/07 Received Petitioner Jesus Valdez Bermudez letter dated 8/16/07 regarding the status of the previous motions for bail hearing while the petition is pending. (MOATT) (hc) [07-70733]

9/13/07 Filed order (Harry PREGERSON, Sidney R. THOMAS):
Petitioner's motion for release on his own recognizance pending disposition of this petition for review, filed on 8/13/07 & 8/15/07, are denied. This court does not have the authority to grant such relief. (CITE). No motions for reconsideration, modification, or clarification of this order shall be filed or entertained. The previously established briefing schedule shall remain in effect.
[07-70733] (rayc) [07-70733]

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07-70733 Bermudez, et al v. Gonzales

9/20/07 Received Petitioner Jesus Valdez Bermudez's motion for order petitioner should be released on bond (under reasonable supervision). Served on 9/12/07. (NAN-per 9/13/07 order) [07-70733] (hc) [07-70733]

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PACER Service Center			
Transaction Receipt			
09/24/2007 16:00:21			
PACER Login:	ux3317	Client Code:	
Description:	dkt report	Case Number:	07-70733
Billable Pages:	8	Cost:	0.64

EXHIBIT 5



**U.S. Department of Homeland Security
Immigration and Customs Enforcement**

SFR DRO 50/10

Office of the Field Director

630 Sansome Street, Room 590
San Francisco, CA 94111

BERMUDEZ, Jesus Valdez
C/O IN SERVICE CUSTODY

A# 38 994 221

**Decision to Continue Detention
Following File Review**

This letter is to inform you that your custody status has been reviewed and it has been determined that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file and/or your personal interview and consideration of any information you submitted to ICE's reviewing officials.

- (1) Your past criminal history deems you an unacceptable flight risk;*
- (2) Your removal has been delayed solely through your filing of a Petition for Review with the US Court of Appeals for the Ninth Circuit, resulting in an automatic stay;*

Based on the above, you are to remain in ICE custody pending your removal from the United States. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal, and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to effect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC Section 1253(a).

Decision to Continue Detention Following File Review**Page 2****BERMUDEZ, Jesus Valdez (A38 994 221)**

Therefore, pursuant to the authority contained in Sections 236 and 241 of the Immigration and Nationality Act, and parts 236 and 241 of the Code of Federal Regulations, I have determined that you shall continue to be detained in the custody of this Agency pending further review.

Your custody case will remain with this unit. **This unit will conduct further review in one year or when the Ninth Circuit Court of Appeals has made a decision in your case.** You will be notified of this at the earliest possible convenience. It is in your best interest to maintain proper behavior while awaiting this review. If you have any questions please contact: Assessment Officer at:

U.S. Department of Homeland Security
Immigration and Customs Enforcement
630 Sansome Street
Attn: Detained Case Unit, 6th Floor
San Francisco, CA 94111

Nancy Alcantar

Nancy Alcantar / Field Office Director

5/10/07
Date

PROOF OF SERVICE**(1) Personal Service (Officer to complete both (a) and (b) below.)**

(a) I SERGIO CASTREJAS, IEA
Name of ICE Officer Title

certify that I served BERMUDEZ, JESUS VALDEZ with a
copy of

this document at LEADO P.T. Jail on 5/17/07, at 1330
Institution Date Time

Recd: *[Signature]*

(b) I certify that I served the custodian _____,
Name of Official

_____, at _____, on _____,
Title Institution Date
_____ with a copy of this document.

OR**(2) Service by certified mail, return receipt. (Attach copy of receipt)**

I _____, _____, certify
Name of ICE Officer Title
that I served _____ and the custodian _____
Name of detainee Name of Official
with a copy of this document by certified mail at _____ on _____
Institution Date

(X) CC: Attorney of Record or Designated Representative

(X) CC: A-File

(Page 2 of 2)

(Final 10/18/99)

EXHIBIT 6

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
SAN FRANCISCO, CALIFORNIA

In Re)	
Jesus Valdez Bermudez)	File Number: A 38 994 221
)	
)	
)	
Respondent.)	In Bond Proceedings
)	

ORDER

Respondent has filed *pro se* what the court will liberally construe as a motion for bond while his petition for review of his order of removal is before the United States Court of Appeals for the Ninth Circuit. This court has no jurisdiction over a motion for bond by the respondent, because he has been convicted of an aggravated felony, namely a forgery offense with a sentence of at least one year. See Record of Proceedings, Exhibit 3; BIA decision dismissing respondent's direct appeal dated February 9, 2007; Immigration and Nationality Act sections 101(a)(43)(R) and 236(c)(1)(B).

ORDER: The motion for bond redetermination is **DENIED**.

Dated: July 25, 2007


Anthony S. Murry
Immigration Judge